

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

CLERK'S CERTIFICATE AND TRANSMITTAL OF THE RECORD

Case Information

Case Caption: Barbara Ricci vs. Kohl's, Inc. et al.
Federal Court Case No. 1:21-CV-00040 State Court Case No. PC-2020-06487

Record Information

Confidential: Yes ☐ No ☒ Description: _____
Sealed documents: Yes ☐ No ☒ Description: _____

Certification

I, Zoila Corporan, Clerk of the Rhode Island Superior Court for the County of
Providence do certify that the attached documents are all the documents
included in the record in the above referenced case.

Date: Jan/20/2021

Clerk:

/s/ Zoila Corporan

Prepared by:

/s/ Zoila Corporan

SC DOCKET SHEET**CASE NO. PC-2020-06487**

Barbara Ricci
v.
Kohl's, Inc. et al.

§
 §
 §
 §
 §

Location: **Providence/Bristol County Superior Court**
 Filed on: **09/16/2020**
 US District Court Case Number: **1:21-CV-00040**

CASE INFORMATION**Statistical Closures**

01/20/2021 Closed-Non Trial-Unassigned-Removed to Federal Court

Case Type: **Personal Injury**

Case Status: **01/20/2021 Closed**

Case Flags: **Claim for Jury Trial****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number PC-2020-06487
 Court Providence/Bristol County Superior Court
 Date Assigned 09/16/2020

PARTY INFORMATION

Plaintiff Ricci, Barbara

Lead Attorneys

RESMINI, WAYNE
Retained
 4017516655 x000(W)

Defendant Kin, Inc.

Yarbro, Amy B.
Retained
 6174397594(W)

Kohl's Department Stores, Inc.

Yarbro, Amy B.
Retained
 6174397594(W)





Kohl's of Illinois, Inc.

Yarbro, Amy B.
Retained
 6174397594(W)

Kohl's, Inc.

Yarbro, Amy B.
Retained
 6174397594(W)

DATE**EVENTS & ORDERS OF THE COURT****EVENTS**

01/20/2021 Closed-Non Trial-Unassigned-Removed to Federal Court
 01/20/2021 Case Removed to US District Court
 01/20/2021  Notice of Removal
Notice of Removal
 01/20/2021  Notice of Removal
Notice of Removal
 12/21/2020  Claim of Jury Trial Filed
Defendants' Jury Demand
 12/21/2020  Answer Filed
Defendants' Answer to Plaintiff's Complaint

SC DOCKET SHEET

CASE NO. PC-2020-06487

12/11/2020	 Entry of Appearance <i>Defendants, Kin, Inc., Kohl s Department Stores, Inc., Kohl s Inc., Kohls of Illinois (misnamed) Entry of Appearance</i>
10/27/2020	 Summons Proof of Service Filed <i>Summons Proof of Service - Defendant Kohl's Department Stores, Inc.</i>
10/27/2020	 Summons Proof of Service Filed <i>Summons Proof of Service - Defendant Kohl's of Illinois, Inc.</i>
10/27/2020	 Summons Proof of Service Filed <i>Summons Proof of Service - Defendant Kin, Inc.</i>
10/27/2020	 Summons Proof of Service Filed <i>Summons Proof of Service - Defendant Kohl's, Inc.</i>
09/16/2020	 Summons
09/16/2020	 Claim of Jury Trial Filed <i>Jury Trial Demand</i>
09/16/2020	 Complaint Filed <i>Complaint</i>

EXHIBIT “A”

This civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Barbara Ricci

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Wayne G. Resmini, Esq., Resmini Law LLC, 1022 Reservoir Avenue,
Cranston, RI 02910, 401-751-6655

DEFENDANTS

KIN, Inc, Kohl's Department Stores, Inc., Kohl's, Inc., and Kohls of IL

County of Residence of First Listed Defendant Waukesha (Wisconsin)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Amy B. Yarbro, Esq., Morrison Mahoney LLP, 250 Summer Street,
Boston, MA 02210, 617-439-7500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§ 1332, 1441
Brief description of cause:
civil suit, diversity jurisdiction

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 1,750,000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE _____ DOCKET NUMBER _____

DATE 01/20/2021
SIGNATURE OF ATTORNEY OF RECORD
/s/Amy B. Yarbro

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BARBARA RICCI

Plaintiff

C.A. NO.

vs.

KIN, INC, alias KOHL'S DEPARTMENT
STORES, INC., alias, KOHL'S INC., alias,
KOHL'S INC., alias, KOHLS OF
ILLINOIS, alias, and DOE 1 THRU 4,
INCLUSIVE

Defendants

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a) and Local Rule Cv 81, the defendants, KIN, Inc., Kohl's Department Stores, Inc., Kohl's, Inc., and Kohls of Illinois (misnamed) (collectively, "the Kohl's Defendants"), hereby give notice of their removal of this action from the Providence/Bristol County Superior Court of Rhode Island to the United States District Court for the District of Rhode Island. In support of this Notice, the Kohl's Defendants respectfully state as follows:

BACKGROUND

1. By Summons and Complaint, plaintiff Barbara Ricci ("Ms. Ricci" or "Plaintiff") commenced a civil action against the Kohl's Defendants in Providence/Bristol County Superior Court entitled Barbara Ricci v. KIN, Inc., alias Kohl's Department Stores, Inc., alias, Kohl's Inc., alias, Kohl's Inc., alias, Kohls Of Illinois, alias, and Doe 1 Thru 4, Inclusive, C.A. No. PC-2020-06487 ("the Superior Court Action"). True and complete copies of the Summons and Complaint that the Plaintiff caused to be served upon the Kohl's Defendants are attached as **Exhibit A**.

2. Defendants were served with the Summons and Complaint in the Superior Court action on October 19, 2020 and filed their answer on December 21, 2020. The instant Notice of Removal is being filed within 30 days of the date of the Kohl's Defendants' Answers, as it became apparent that removal was appropriate in accordance with 28 U.S.C. § 1446(b)(3).

3. This removal is timely under 28 U.S.C. § 1446(c) despite Plaintiff naming purported non-diverse defendants— the “Does” doing business in Providence. See Exhibit A, ¶ 2-6. There is no reasonable possibility that the state's highest court would find that the Complaint stated a cause of action upon which relief may be granted against the individual “Doe” defendants. Universal Truck & Equip. Co. v. Southworth-Milton, Inc., 765 F.3d 103, 108 (1st Cir. 2014).

4. A Notice of Filing of Notice of Removal shall be promptly filed by the defendants with the Providence County Superior Court. 28 U.S.C. § 1446(d).

5. The Superior Court Action is a suit of a wholly civil nature brought in the Superior Court of the State of Rhode Island, in and for Providence County. The United States District Court for the District of Rhode Island is therefore the proper forum and venue to which this action may be removed under the provisions of 28 U.S.C. §§ 101 and 1441(a).

6. This Court has original jurisdiction to entertain this action because the only parties to this case are citizens of different states and because the plaintiff claims that her potential damages exceed the sum of \$75,000, exclusive of interest and costs. 28 U.S.C., §§ 1332(a)(1), 1441(a). Removal of this action is not prohibited by 28 U.S.C. § 1445.

7. With respect to the amount in controversy, the plaintiff has made a demand for “policy limits,” which amount to \$1,750,000.

8. With respect to diversity of citizenship, the plaintiff is a resident of North Providence, Rhode Island, County of Providence.

9. Defendant KIN, Inc., is a Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

10. Defendant Kohl's, Inc., is Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

11. Defendant Kohl's Department Stores, Inc., is Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

12. Defendant Kohls of Illinois (misnamed) is Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

13. This Notice of Removal is being filed in the District of Rhode Island, the District Court of the United States for the district and division within which the Superior Court action is pending.
28 U.S.C. § 1446(a).

WHEREFORE, Defendants respectfully request that the Superior Court action be removed and herein proceed in the United States District Court for the District of Rhode Island.

The Defendants,
KIN Inc., Kohl's Department Stores, Inc.,
Kohl's, Inc., and Kohls of Illinois
(misnamed),

By Their Attorneys,

/s/ Amy B. Yarbro

Amy B. Yarbro, #8999
ayarbro@morrisonmahoney.com
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4918

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, as listed below, on January 20, 2021.

Wayne G. Resmini, Esq.
Resmini Law LLC
1022 Reservoir Avenue
Cranston, RI 02910

/s/ Amy B. Yarbrow

EXHIBIT “A”

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487 Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kin, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent

Corporate Creations Network, Inc.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE:

10/19/2020
Month Day Year 343 PM

SERVICE FEE \$

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUMETTE
R.I. CONSTABLE #6129Sc #137

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Regus Des. Depart CM

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487 Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's Department Stores, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent Corporate Creations Network, Inc

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE:

10/19/2020
Month Day Year

SERVICE FEE \$

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129

State of _____

County of _____

Sc #180

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Rebus Deputum

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487 Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Providence RI 02903

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent Corporate Creations Network Inc

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: 10, 19, 2020 343 PM SERVICE FEE \$ 45.00
Month Day Year

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129

SC#137

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Reyes Desi Daport CM

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487 Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's of Illinois, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person of suitable age and discretion _____
 Address of dwelling house or usual place of abode _____
 Age _____
 Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
 Name of authorized agent _____
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
 Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
 Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

Corporate Creation Network Inc.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE:

10/19/2020
Month Day Year

SERVICE FEE \$

343.75

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129*SC #137*On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notaryor ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Regus Desi Dapatcha

STATE OF RHODE ISLAND
 PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci)	
Plaintiff,)	
)	
Vs.)	
)	C.A. NO. PC 2020-_____
Kin, Inc, alias)	
Kohl's Department Stores,)	
Inc., alias, Kohl's Inc.,)	
alias, Kohl's Inc., alias,)	
Kohls of Illinois, alias, &)	
Doe 1 Thru Doe 4, Inclusive)	
Defendants,)	
)	

COMPLAINT

1. The plaintiff, Barbara Ricci is an individual that is a resident of North Providence, Rhode Island.
2. Upon information and belief, Defendant, Kohl's, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Department Stores, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street in Providence, Rhode Island 02903.
3. Upon information and belief, Defendant, Kin, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.

4. Upon information and belief, Defendant, Kohl's Illinois, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
5. Upon information and belief, Defendant, Kohl's Department Stores, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
6. Upon information and belief, defendant, Doe 1 Thru Doe 4, Inclusive, (hereinafter, "Doe" the true names and capacities whether Individual, corporate, or otherwise, of the named herein as Doe 1 thru Doe 4, Inclusive, are unknown to the plaintiffs at the present time, the plaintiffs sue said Doe defendants by such fictitious names. Plaintiffs informed and believed and therefore alleged that each of the defendant designated herein by fictitious names are in some manner responsible for the events a happening herein referred to, and caused the damages proximate and foreseeable hereby to the plaintiffs as hereinafter alleged. Plaintiffs will ask leave of the Court amend this complaint when the true names and capacities of the "Doe" defendant(s) have been ascertained.
7. Plaintiffs' damages are sufficient to confer jurisdiction in the Superior Court.

COUNT I

8. Several days prior to November 24, 2017, defendant, Kolh's, alias, and/or Defendant, "Doe" conducted an unusual and extensive advertising campaign in the Southern New England Area, advertising on radio, television, newspapers and sending out handbills advertising the fact that Kolh's store would be open early with great "Black Friday," bargains on November 24, 2017.
9. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendants premises, Kolhl's, alias, and/or Defendant, "Doe" (hereinafter "Kohl's"), located at 321 Putnam Pike Ste. A 280 , Smithfield, Rhode Island and at all times herein was in the exercise of due care and caution so as to allow recovery in this matter.
10. On or about November 24, 2017, Defendant, Kolhl's, by and through its agents, servants and/or employees was under the obligation to maintain the premises located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island in a clean, good, and safe condition for the general public.
11. Defendant, Kolh's, had a duty to exercise reasonable care to protect invitees such as plaintiff, Barbara Ricci from those risks of which Defendant, Kolh's was actually aware, and from those risks of which Kolh's should have been aware after reasonable inspection.
12. On November 24, 2017, plaintiff, Barbara "Ricci was on the premises at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, the Kolh's building, plaintiff, state, that its officers, agents, and employees under the control and supervision of the defendant, Kolh's negligently and carelessly permitted excessive numbers of individuals onto the premises, placing plaintiff and others lawfully upon the premises in danger of injury from overcrowding.
13. Defendant, Kolh's, through its officers, agents, servants and employees, was further negligent in failing to control or supervise the conduct of the crowd within the premises. The crowd was unmanageable, and pushed and jostled plaintiff to such an extent that while she was traversing the aisles, she, lost her footing and tripped slipped fell to the floor. Plaintiff, state, defendants, through its officers, agents, and employees, was further negligent in failings to employ more personal to supervise the crowds

these negligent acts and omissions was a proximate cause of plaintiff's serious injuries.

14. As a direct and proximate result of the defendant's negligence, plaintiff has suffered and will continue to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
15. Defendant knew, or reasonably should have known, that crowds generated by its advertising, and the store would have a number of people of all ages shopping in the store and could result in harm to invitees such as that suffered by plaintiff.
16. Plaintiff's injuries were the proximate result of defendant's breach of its duty owed plaintiff to exercise reasonable care for plaintiff's protection. Defendant breached its duty of care owed plaintiff in the following particulars:
 - (a) in failing to use special police or security personnel or other appropriate means to keep order in the large crowd at defendant's store on the day of the sale;
 - (b) in failing to make any effort to prevent the crowd from engaging in dangerous pushing, shoving, and scuffling.
17. As a proximate result of the defendant's negligence, plaintiff has suffered and continues to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
18. As a direct and proximate result of the negligence of the Defendant, Kolhl's, the Plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment for pain and suffering, trauma, anxiety, and loss of earning capacity, all of which were proximately caused by the negligence of said Defendant, Kolh's, and/or their agents servants and employees..

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe" plus interest, costs, and attorney fees.

COUNT II

19. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 18 of Count I above and repeats the same.
20. On November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon the premises owned by the Defendant, Kolhl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara Ricci, was invited to shop and purchase items from said Defendant, Kolh's, and, while upon said premises, sustained a personal injury.
21. Plaintiff, Barbara Ricci, having anticipated paying adequate consideration as a business invitee, imposes a contract of responsibility on said Defendant, Kolhl's', to maintain the property in a sufficient manner as to imply safety for its intended business invitee and guests.
22. As a result of the Defendant's, Kolhl's, breach of that contractual duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, Barbara Ricci, incurred medical expenses.
23. Additionally, Plaintiff, Barbara Ricci, sustained consequential damages as a result of the breach of contract by said Defendant, Kolhl's, and requests that she be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe", on Count II, plus interest and costs.

COUNT III

24. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 23 of Count I and II above and repeats the same.
25. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendant, Kolhl's, premises wherein the Plaintiff, Barbara Ricci, was invited to purchase items from said Defendant, Kolhl's, and while upon said premises, sustained a personal injury.

26. Plaintiff, having paid consideration as business invitees, impose a contract of responsibility on said Defendant, Kohl's, to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests, and, further, by its mode of operation, is responsible for such negligence and foreseen conditions on its premises.
27. As a result of the Defendant's, Kohl's, breach of that duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff incurred medical expenses and the loss of love, affection, companionship, society and consortium, all to the detriment of the Plaintiff, and as a result of the Defendant implied agreement to said Plaintiff.
28. Additionally, Plaintiff sustained consequential damages as a result of the breach of contract by said Defendant their agent's servants and employees, requests that they be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demand judgment against the Defendants, jointly and severally, plus interest and costs.

COUNT IV

29. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 28 of Count I, Count II and Count III above and repeats the same
30. At all times mentioned in this complaint, defendant maintained, operated, and controlled a store for the retail sale of merchandise, known as Kohl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara.
31. In the aisles of where the plaintiff was injured, defendant Kohl's maintained certain platforms that mannequin was resting on were placed throughout the store. The platforms holding the mannequin extended into the aisle, creating an obstruction to those passing along the aisle. The platforms were of a similar color and approximately the same shade as were floor covering and the platforms were not attached to the floors beneath them and created an unreasonable risk of injury to those passing along the aisle who would fail to notice the platform or be

distracted by the mannequin would be injured by coming into contact with them.

32. At all times mentioned in this complaint, defendant knew or in the exercise of reasonable care should have known that the platforms holding the mannequins created an unreasonable risk of injury by their presence, so that patrons of the Kohls store would be surprised after observing other aisles free of such obstructions and the aisle in question often free of the obstructing seats.
33. On November 24, 2017, plaintiff, Barbara Ricci, an invitee on defendant's premises, while viewing merchandise in the store with the intent to make purchases, walked against one of the carts on wheels holding merchandise that could not be places on the shelves, until a few moments prior to that time, had been free of obstruction. Plaintiff's struck the cart and a platform holding a store mannequin and the elderly plaintiff fell to the floor, sustaining injuries: [describe injuries].
34. Defendant's negligence in maintaining the nuisance created by the collapsible seats under the circumstances described above without any sign or other device warning of their presence was the proximate cause of plaintiff's injuries.
35. The injuries to plaintiff were caused solely and proximately by the negligence of defendant, Kolh's their agents, servants, and employees
36. On or about, November 24, 2017, Defendant, Kolh's, by and through its agents, servants and/or employees were under any obligation to maintain the premises of Kohl's located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, in a clean, good and safe condition for the general public.
37. On or about November 24, 2017, Defendant, Kolh's by and through its agents, servants and/or employees was negligent in maintain the premises of Kohl's at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, tin a clean, good and safe condition so as to cause Plaintiff, Barbara Ricci to suffer injures when she tripped over the cart of one of the aisles.
38. As a direct and proximate result of the negligence of the Defendant, Kohl's the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment

for pain and suffering, trauma anxiety, and loss of earning capacity all of which were proximately caused by the negligence of the Defendant, Kohl's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kohl's plus interest and costs.

COUNT V

39. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 38 of Count I, Count II, Count III and Count IV above and repeats the same.

40. On or about November 24, 2017, Defendant, Kohl's a self-service establishment, should have reasonably foreseen that a dangerous condition could occur anywhere in the store due to the product sold in its store.

41. Plaintiff, Barbara Ricci, entrusted her safety to Defendant, Kohl's, and imposes a responsibility on said Defendant, Kohl's, to take reasonable precautions necessary to protect her from foreseeable conditions that are related to the owner's self-service mode of operation.

42. As a result of not taking reasonable precautions to protect the plaintiff, Barbara Ricci, Defendant, Kohl's breached their duty to provide a safe shopping environment for customers in its store, and Defendant, Kohl's, is liable for the injuries sustained by the plaintiff, Barbara Ricci, on November 24, 2017.

43. As a direct and proximate cause of the negligence of the Defendant, Kohl's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kohl's.

44. Damages are sufficient to confer jurisdiction upon the Superior Court.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kohl's plus interest and costs.

Count VI

45. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 44 of Count I, Count II, Count III, Count IV and Count V above and repeats the same.
46. At all times mentioned in this complaint, defendant Kolh's, alias, and/or Defendant, "Doe" owned, operated, and controlled a certain retail store, known as Kolh's located At 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island.
47. On November 24, 2017, plaintiff, Barbara Ricci entered defendant's store during the regular hours for retail customers to inspect and, if desired, to purchase defendant's merchandise.
48. At all times mentioned in this complaint, defendant had the duty to maintain the premises in a reasonably safe condition for retail customers, including plaintiff, and to provide in particular an aisle or other suitable place from which the customers, including plaintiff, could view the merchandise and make their purchases. In violation of this duty, defendant maintained in one of the aisles provided for customers a cart and clothing on the floor not readily observable by patrons of the store whenever the aisle became crowded. Defendant knew or had reason to know that this obstruction created an unreasonable risk of injury to those patronizing the store and could reasonably foresee that a patron, such as plaintiff, would trip and fall over the obstruction and be injured as a result.
49. On the date first mentioned above, while plaintiff traversed the above-mentioned aisle with a number of other patrons, looking at the merchandise and moving with due care to avoid bumping into other patrons, plaintiff tripped over clothing and other obstructions in the aisle, fell to the floor, and sustained injuries.
50. Defendant's negligence in failing to provide a reasonably safe aisle within which plaintiff might shop, and in maintaining the above-described obstruction in the aisle, was the proximate cause of plaintiff's injuries.
51. The above-described injuries to plaintiff were caused solely and proximately by the negligence of defendant and

without any contributory negligence on the part of plaintiff.

52. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs and such other and further relief as the court deems just and proper.

COUNT VII

53. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 52 as set forth herein.
54. Defendants and their agents, servants and/or employees at all times material herein, owned, operated, managed, controlled, and maintained the premises at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
55. Defendants and their agent's servants and employees were responsible for providing security and safety measures for crowd management and control at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
56. Defendants their agents, servants and employees had a duty to use reasonable care and specifically an obligation to inspect, repair and reasonably maintain the subject areas, of the premises which it leased, owned, managed, maintained, controlled and/or operated.
57. Defendants failed to inspect and maintain the area in a reasonably safe condition and failed to maintain the premises in a condition fit for its intended and foreseeable use.
58. Defendants failed to remove, inspect, or maintain, and/or place a railing, rope, guardrail, or barriers around the platform so that individuals lawfully upon the premises would not slip trip and fall over an object that was not properly anchored to the floor and easy to move.

59. Defendants failed to warn customers on the premises of the dangerous condition on the premises.
60. Based upon its obligation to inspect and maintain the subject area, Defendants, their agents servants, and employee knew or should have known that the subject area contained or which could not have been discovered by foreseeable users of the subject area through reasonable observation in a crowded store.
61. Defendants knew or should have known that the subject area was open to use by business invitees and guests and encouraged and advertised for customers to be there.
62. Defendants and their agents, servants and employees having caused them to exist through negligent maintenance and inspection of the subject area, failed to remove the hidden danger and failed to warn the public, including Plaintiff.
63. Defendants knew or should have known that the subject area was open to continual and extensive use by the public. Defendants failed to provide adequate security or crowd control and failed to instruct or warn patrons of the danger of the platform.
64. Defendants, having caused the hidden defect to exist through their negligent placement, design, construction, maintenance and inspection of the premises, failed to remove the hidden defect, abate the dangerous conditions, and failed to warn the public, including Plaintiff, Barbara Ricci concerning the hidden defect.
65. As a direct and proximate result of Defendants' failure to use due care in the inspection, repair, maintenance, security, crowd control and warnings regarding the subject area, Plaintiff, Barbara Ricci has sustained severe and permanent injuries and other damages described herein.

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against Defendants, Kohl's, alias, and/or Defendant, "Doe" jointly and severally, on this Count plus interest and costs of this action.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

Plaintiff,
Barbara Ricci
By her Attorney

/s/Wayne G. Resmini, Esq.
Wayne G. Resmini, Esq. #6373
RESMINI LAW LLC
1022 Reservoir Avenue
Cranston, RI 02910
(401) 751-6655 (Phone)
(401) 751-6282 (Facsimile)

Dated: September 1, 2020

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Barbara Ricci
Plaintiff,

v.

Case No.: 1:21-cv-00040-JJM-LDA

Kin, Inc., et al.
Defendant.

CASE OPENING NOTICE – NOTICE OF REMOVAL FROM STATE COURT

The above-captioned case has been removed pursuant to 28 U.S.C. § 1441. The above case number and caption should be used on all papers subsequently submitted to this Court. Any motion pending with the state court at the time of the removal must be refiled with this Court for consideration.

Within 14 days after filing the notice of removal, the defendant(s) filing the notice of removal shall do whatever is necessary to enable the clerk of the state court to assemble and electronically transmit a certified copy of the docket sheet and all documents filed in the case being removed.

It is the responsibility of the defendant(s) to ensure that the state court record is filed with the Court. The clerk of the state court will not electronically transmit the record until the defendant(s) provide written notice to all adverse parties and file a copy of such notice with the clerk of the state court in accordance with 28 U.S.C. § 1446(d).

Pursuant to LR Gen 201(b)(3), an attorney who is a member of the bar of the Rhode Island Supreme Court, and who represents a party in a case removed pursuant to 28 U.S.C. § 1441 *et seq* other than a party joining in the removal request, may appear and practice in this Court in that case, unless that attorney has been suspended or disbarred as a member of the bar of this Court.

Attorneys who are not members of the bar of this Court but who are permitted to appear and practice in this Court pursuant to the provisions of LR Gen 201(b)(3) must register as a Filing User and file documents electronically using the Court's Case Management/Electronic Case Files ("CM/ECF") system by completing the Electronic Filing Registration Form.

Dockets, opinions, rules forms, the court calendar and general notices can be obtained from the Court's website at www.rid.uscourts.gov. Parties should specifically review the notice(s) listed below:

Notice of Electronic Availability of Case Information

Notice to Counsel and *Pro Se* Litigants

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

January 20, 2021

Hanorah Tyer–Witek, Clerk of Court

U.S. District Court
for the District of Rhode Island
One Exchange Terrace
Providence, RI 02903
Case Manager: Barbara Barletta 401–752–7202

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC., alias, KOHL's DEPARTMENT
STORES, INC., alias, KOHL's INC., alias,
KOHL's INC, alias, KOHLS OF ILLINOIS,
alias, and DOE 1 THRU 4, INCLUSIVE

Defendants

DEFENDANTS' NOTICE OF REMOVAL TO FEDERAL COURT

PLEASE TAKE NOTICE that on January 20, 2021, the above-captioned action was removed to the United States District Court for the District of Rhode Island pursuant to Title 28 United States Code §§ 1331 and 1367. A copy of said Notice of Removal is attached hereto in accordance with 28 U.S.C. § 1446(d) as **Exhibit A**.

The Defendants,
By Their Attorneys,

MORRISON MAHONEY LLP

/s/ Amy B. Yarbro

Amy B. Yarbro, #8999
ayarbro@morrisonmahoney.com
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4918

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 20th day of January, 2021.

Wayne G. Resmini, Esq.
Resmini Law LLC
1022 Reservoir Avenue
Cranston, RI 02910

/s/ Amy B. Yarbrow, Esq.

Case Number: PC-2020-06487
Filed in Providence/Bristol County Superior Court
Submitted: 1/20/2021 10:25 AM
Envelope: 2923840
Reviewer: Rachel L

Case 1:21-cv-00049-JUM-LDA Document 31-2 Filed 01/20/22 Page 1 of 20 PageID #: 325

CIVIL COVER SHEET

I. (a) PLAINTIFFS

Barbara Ricci

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Wayne G. Resmini, Esq., Resmini Law LLC, 1022 Reservoir Avenue,
Cranston, RI 02910, 401-751-6655

DEFENDANTS

KIN, Inc, Kohl's Department Stores, Inc., Kohl's, Inc., and Kohls of IL

County of Residence of First Listed Defendant Waukesha (Wisconsin)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Amy B. Yarbro, Esq., Morrison Mahoney LLP, 250 Summer Street,
Boston, MA 02210, 617-439-7500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question
(U.S. Government Not a Party)

☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice</div></div> <div><div>PERSONAL INJURY</div><div><input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</div></div> <div><div>PERSONAL PROPERTY</div><div><input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</div></div>	<div><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other</div> <div><div>LABOR</div><div><input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act</div></div> <div><div>IMMIGRATION</div><div><input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions</div></div>	<div><input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157</div> <div><div>PROPERTY RIGHTS</div><div><input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark</div></div> <div><div>SOCIAL SECURITY</div><div><input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))</div></div> <div><div>FEDERAL TAX SUITS</div><div><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</div></div>	<div><input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes</div>
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<div><div>Habeas Corpus:</div><div><input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty</div></div> <div><div>Other:</div><div><input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</div></div>		

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§ 1332, 1441

Brief description of cause:
civil suit, diversity jurisdiction

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
1,750,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):
JUDGE
DOCKET NUMBER

DATE
01/20/2021

SIGNATURE OF ATTORNEY OF RECORD
/s/Amy B. Yarbro

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Page 40

Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BARBARA RICCI

Plaintiff

C.A. NO.

vs.

KIN, INC, alias KOHL'S DEPARTMENT
STORES, INC., alias, KOHL'S INC., alias,
KOHL'S INC., alias, KOHLS OF
ILLINOIS, alias, and DOE 1 THRU 4,
INCLUSIVE

Defendants

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a) and Local Rule Cv 81, the defendants, KIN, Inc., Kohl's Department Stores, Inc., Kohl's, Inc., and Kohls of Illinois (misnamed) (collectively, "the Kohl's Defendants"), hereby give notice of their removal of this action from the Providence/Bristol County Superior Court of Rhode Island to the United States District Court for the District of Rhode Island. In support of this Notice, the Kohl's Defendants respectfully state as follows:

BACKGROUND

1. By Summons and Complaint, plaintiff Barbara Ricci ("Ms. Ricci" or "Plaintiff") commenced a civil action against the Kohl's Defendants in Providence/Bristol County Superior Court entitled Barbara Ricci v. KIN, Inc., alias Kohl's Department Stores, Inc., alias, Kohl's Inc., alias, Kohl's Inc., alias, Kohls Of Illinois, alias, and Doe 1 Thru 4, Inclusive, C.A. No. PC-2020-06487 ("the Superior Court Action"). True and complete copies of the Summons and Complaint that the Plaintiff caused to be served upon the Kohl's Defendants are attached as **Exhibit A**.

2. Defendants were served with the Summons and Complaint in the Superior Court action on October 19, 2020 and filed their answer on December 21, 2020. The instant Notice of Removal is being filed within 30 days of the date of the Kohl's Defendants' Answers, as it became apparent that removal was appropriate in accordance with 28 U.S.C. § 1446(b)(3).

3. This removal is timely under 28 U.S.C. § 1446(c) despite Plaintiff naming purported non-diverse defendants— the “Does” doing business in Providence. See Exhibit A, ¶ 2-6. There is no reasonable possibility that the state’s highest court would find that the Complaint stated a cause of action upon which relief may be granted against the individual “Doe” defendants. Universal Truck & Equip. Co. v. Southworth-Milton, Inc., 765 F.3d 103, 108 (1st Cir. 2014).

4. A Notice of Filing of Notice of Removal shall be promptly filed by the defendants with the Providence County Superior Court. 28 U.S.C. § 1446(d).

5. The Superior Court Action is a suit of a wholly civil nature brought in the Superior Court of the State of Rhode Island, in and for Providence County. The United States District Court for the District of Rhode Island is therefore the proper forum and venue to which this action may be removed under the provisions of 28 U.S.C. §§ 101 and 1441(a).

6. This Court has original jurisdiction to entertain this action because the only parties to this case are citizens of different states and because the plaintiff claims that her potential damages exceed the sum of \$75,000, exclusive of interest and costs. 28 U.S.C., §§ 1332(a)(1), 1441(a). Removal of this action is not prohibited by 28 U.S.C. § 1445.

7. With respect to the amount in controversy, the plaintiff has made a demand for “policy limits,” which amount to \$1,750,000.

8. With respect to diversity of citizenship, the plaintiff is a resident of North Providence, Rhode Island, County of Providence.

9. Defendant KIN, Inc., is a Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

10. Defendant Kohl's, Inc., is Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

11. Defendant Kohl's Department Stores, Inc., is Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

12. Defendant Kohls of Illinois (misnamed) is Wisconsin corporation having its principal place of business in Menomonee Falls, Wisconsin, County of Waukesha.

13. This Notice of Removal is being filed in the District of Rhode Island, the District Court of the United States for the district and division within which the Superior Court action is pending.
28 U.S.C. § 1446(a).

WHEREFORE, Defendants respectfully request that the Superior Court action be removed and herein proceed in the United States District Court for the District of Rhode Island.

The Defendants,
KIN Inc., Kohl's Department Stores, Inc.,
Kohl's, Inc., and Kohls of Illinois
(misnamed),

By Their Attorneys,

/s/ Amy B. Yarbro

Amy B. Yarbro, #8999
ayarbro@morrisonmahoney.com
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4918

EXHIBIT “A”

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kin, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

Corporate Creations Network, Inc.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

10/19/2020
Month Day Year 3:43 PM

SERVICE FEE \$ _____

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUMETTE
R.I. CONSTABLE #6129

Sc #137

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Regus Des. Depart CM

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487 Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's Department Stores, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person of suitable age and discretion _____
 Address of dwelling house or usual place of abode _____
 Age _____
 Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
 Name of authorized agent _____
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
 Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
 Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent Corporate Creations Network, Inc

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE:

10/19/2020
Month Day Year

SERVICE FEE \$

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129

State of _____

County of _____

SC #180

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Rebus Deputum

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Providence RI 02903

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person of suitable age and discretion _____
 Address of dwelling house or usual place of abode _____
 Age _____
 Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
 Name of authorized agent _____
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
 Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
 Name of person and designation _____

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

Corporate Creations Network Inc

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

10, 19, 2020
343 PM

SERVICE FEE \$ _____

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129

SC #137

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____

☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was _____

_____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Reyes Desi Daport CM

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's of Illinois, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

Corporate Creation Network Inc.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

10/19/2020
Month Day Year*343 PM*

SERVICE FEE \$ _____

45

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129*SC #137*

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Regus Desi Dapatchan

STATE OF RHODE ISLAND
 PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci)	
Plaintiff,)	
)	
Vs.)	
)	C.A. NO. PC 2020-_____
Kin, Inc, alias)	
Kohl's Department Stores,)	
Inc., alias, Kohl's Inc.,)	
alias, Kohl's Inc., alias,)	
Kohls of Illinois, alias, &)	
Doe 1 Thru Doe 4, Inclusive)	
Defendants,)	
)	

COMPLAINT

1. The plaintiff, Barbara Ricci is an individual that is a resident of North Providence, Rhode Island.

2. Upon information and belief, Defendant, Kohl's, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Department Stores, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street in Providence, Rhode Island 02903.

3. Upon information and belief, Defendant, Kin, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.

4. Upon information and belief, Defendant, Kohl's Illinois, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
5. Upon information and belief, Defendant, Kohl's Department Stores, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
6. Upon information and belief, defendant, Doe 1 Thru Doe 4, Inclusive, (hereinafter, "Doe" the true names and capacities whether Individual, corporate, or otherwise, of the named herein as Doe 1 thru Doe 4, Inclusive, are unknown to the plaintiffs at the present time, the plaintiffs sue said Doe defendants by such fictitious names. Plaintiffs informed and believed and therefore alleged that each of the defendant designated herein by fictitious names are in some manner responsible for the events a happening herein referred to, and caused the damages proximate and foreseeable hereby to the plaintiffs as hereinafter alleged. Plaintiffs will ask leave of the Court amend this complaint when the true names and capacities of the "Doe" defendant(s) have been ascertained.
7. Plaintiffs' damages are sufficient to confer jurisdiction in the Superior Court.

COUNT I

8. Several days prior to November 24, 2017, defendant, Kolh's, alias, and/or Defendant, "Doe" conducted an unusual and extensive advertising campaign in the Southern New England Area, advertising on radio, television, newspapers and sending out handbills advertising the fact that Kolh's store would be open early with great "Black Friday," bargains on November 24, 2017.
9. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendants premises, Kolhl's, alias, and/or Defendant, "Doe" (hereinafter "Kohl's"), located at 321 Putnam Pike Ste. A 280, Smithfield, Rhode Island and at all times herein was in the exercise of due care and caution so as to allow recovery in this matter.
10. On or about November 24, 2017, Defendant, Kolhl's, by and through its agents, servants and/or employees was under the obligation to maintain the premises located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island in a clean, good, and safe condition for the general public.
11. Defendant, Kolh's, had a duty to exercise reasonable care to protect invitees such as plaintiff, Barbara Ricci from those risks of which Defendant, Kolh's was actually aware, and from those risks of which Kolh's should have been aware after reasonable inspection.
12. On November 24, 2017, plaintiff, Barbara "Ricci was on the premises at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, the Kolh's building, plaintiff, state, that its officers, agents, and employees under the control and supervision of the defendant, Kolh's negligently and carelessly permitted excessive numbers of individuals onto the premises, placing plaintiff and others lawfully upon the premises in danger of injury from overcrowding.
13. Defendant, Kolh's, through its officers, agents, servants and employees, was further negligent in failing to control or supervise the conduct of the crowd within the premises. The crowd was unmanageable, and pushed and jostled plaintiff to such an extent that while she was traversing the aisles, she, lost her footing and tripped slipped fell to the floor. Plaintiff, state, defendants, through its officers, agents, and employees, was further negligent in failings to employ more personal to supervise the crowds

these negligent acts and omissions was a proximate cause of plaintiff's serious injuries.

14. As a direct and proximate result of the defendant's negligence, plaintiff has suffered and will continue to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
15. Defendant knew, or reasonably should have known, that crowds generated by its advertising, and the store would have a number of people of all ages shopping in the store and could result in harm to invitees such as that suffered by plaintiff.
16. Plaintiff's injuries were the proximate result of defendant's breach of its duty owed plaintiff to exercise reasonable care for plaintiff's protection. Defendant breached its duty of care owed plaintiff in the following particulars:
 - (a) in failing to use special police or security personnel or other appropriate means to keep order in the large crowd at defendant's store on the day of the sale;
 - (b) in failing to make any effort to prevent the crowd from engaging in dangerous pushing, shoving, and scuffling.
17. As a proximate result of the defendant's negligence, plaintiff has suffered and continues to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
18. As a direct and proximate result of the negligence of the Defendant, Kolhl's, the Plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment for pain and suffering, trauma, anxiety, and loss of earning capacity, all of which were proximately caused by the negligence of said Defendant, Kolh's, and/or their agents servants and employees..

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe" plus interest, costs, and attorney fees.

COUNT II

19. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 18 of Count I above and repeats the same.
20. On November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon the premises owned by the Defendant, Kolhl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara Ricci, was invited to shop and purchase items from said Defendant, Kolh's, and, while upon said premises, sustained a personal injury.
21. Plaintiff, Barbara Ricci, having anticipated paying adequate consideration as a business invitee, imposes a contract of responsibility on said Defendant, Kolhl's', to maintain the property in a sufficient manner as to imply safety for its intended business invitee and guests.
22. As a result of the Defendant's, Kolhl's, breach of that contractual duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, Barbara Ricci, incurred medical expenses.
23. Additionally, Plaintiff, Barbara Ricci, sustained consequential damages as a result of the breach of contract by said Defendant, Kolhl's, and requests that she be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe", on Count II, plus interest and costs.

COUNT III

24. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 23 of Count I and II above and repeats the same.
25. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendant, Kolhl's, premises wherein the Plaintiff, Barbara Ricci, was invited to purchase items from said Defendant, Kolhl's, and while upon said premises, sustained a personal injury.

26. Plaintiff, having paid consideration as business invitees, impose a contract of responsibility on said Defendant, Kohl's, to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests, and, further, by its mode of operation, is responsible for such negligence and foreseen conditions on its premises.
27. As a result of the Defendant's, Kohl's, breach of that duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff incurred medical expenses and the loss of love, affection, companionship, society and consortium, all to the detriment of the Plaintiff, and as a result of the Defendant implied agreement to said Plaintiff.
28. Additionally, Plaintiff sustained consequential damages as a result of the breach of contract by said Defendant their agent's servants and employees, requests that they be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demand judgment against the Defendants, jointly and severally, plus interest and costs.

COUNT IV

29. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 28 of Count I, Count II and Count III above and repeats the same
30. At all times mentioned in this complaint, defendant maintained, operated, and controlled a store for the retail sale of merchandise, known as Kohl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara.
31. In the aisles of where the plaintiff was injured, defendant Kohl's maintained certain platforms that mannequin was resting on were placed throughout the store. The platforms holding the mannequin extended into the aisle, creating an obstruction to those passing along the aisle. The platforms were of a similar color and approximately the same shade as were floor covering and the platforms were not attached to the floors beneath them and created an unreasonable risk of injury to those passing along the aisle who would fail to notice the platform or be

distracted by the mannequin would be injured by coming into contact with them.

32. At all times mentioned in this complaint, defendant knew or in the exercise of reasonable care should have known that the platforms holding the mannequins created an unreasonable risk of injury by their presence, so that patrons of the Kohls store would be surprised after observing other aisles free of such obstructions and the aisle in question often free of the obstructing seats.
33. On November 24, 2017, plaintiff, Barbara Ricci, an invitee on defendant's premises, while viewing merchandise in the store with the intent to make purchases, walked against one of the carts on wheels holding merchandise that could not be places on the shelves, until a few moments prior to that time, had been free of obstruction. Plaintiff's struck the cart and a platform holding a store mannequin and the elderly plaintiff fell to the floor, sustaining injuries: [describe injuries].
34. Defendant's negligence in maintaining the nuisance created by the collapsible seats under the circumstances described above without any sign or other device warning of their presence was the proximate cause of plaintiff's injuries.
35. The injuries to plaintiff were caused solely and proximately by the negligence of defendant, Kolh's their agents, servants, and employees
36. On or about, November 24, 2017, Defendant, Kolh's, by and through its agents, servants and/or employees were under any obligation to maintain the premises of Kohl's located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, in a clean, good and safe condition for the general public.
37. On or about November 24, 2017, Defendant, Kolh's by and through its agents, servants and/or employees was negligent in maintain the premises of Kohl's at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, tin a clean, good and safe condition so as to cause Plaintiff, Barbara Ricci to suffer injures when she tripped over the cart of one of the aisles.
38. As a direct and proximate result of the negligence of the Defendant, Kohl's the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

39. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 38 of Count I, Count II, Count III and Count IV above and repeats the same.

41. Plaintiff, Barbara Ricci, entrusted her safety to Defendant, Kohl's, and imposes a responsibility on said Defendant, Kohl's, to take reasonable precautions necessary to protect her from foreseeable conditions that are related to the owner's self-service mode of operation.

43. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs.

Count VI

45. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 44 of Count I, Count II, Count III, Count IV and Count V above and repeats the same.
46. At all times mentioned in this complaint, defendant Kolh's, alias, and/or Defendant, "Doe" owned, operated, and controlled a certain retail store, known as Kolh's located At 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island.
47. On November 24, 2017, plaintiff, Barbara Ricci entered defendant's store during the regular hours for retail customers to inspect and, if desired, to purchase defendant's merchandise.
48. At all times mentioned in this complaint, defendant had the duty to maintain the premises in a reasonably safe condition for retail customers, including plaintiff, and to provide in particular an aisle or other suitable place from which the customers, including plaintiff, could view the merchandise and make their purchases. In violation of this duty, defendant maintained in one of the aisles provided for customers a cart and clothing on the floor not readily observable by patrons of the store whenever the aisle became crowded. Defendant knew or had reason to know that this obstruction created an unreasonable risk of injury to those patronizing the store and could reasonably foresee that a patron, such as plaintiff, would trip and fall over the obstruction and be injured as a result.
49. On the date first mentioned above, while plaintiff traversed the above-mentioned aisle with a number of other patrons, looking at the merchandise and moving with due care to avoid bumping into other patrons, plaintiff tripped over clothing and other obstructions in the aisle, fell to the floor, and sustained injuries.
50. Defendant's negligence in failing to provide a reasonably safe aisle within which plaintiff might shop, and in maintaining the above-described obstruction in the aisle, was the proximate cause of plaintiff's injuries.
51. The above-described injuries to plaintiff were caused solely and proximately by the negligence of defendant and

without any contributory negligence on the part of plaintiff.

52. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs and such other and further relief as the court deems just and proper.

COUNT VII

53. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 52 as set forth herein.
54. Defendants and their agents, servants and/or employees at all times material herein, owned, operated, managed, controlled, and maintained the premises at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
55. Defendants and their agent's servants and employees were responsible for providing security and safety measures for crowd management and control at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
56. Defendants their agents, servants and employees had a duty to use reasonable care and specifically an obligation to inspect, repair and reasonably maintain the subject areas, of the premises which it leased, owned, managed, maintained, controlled and/or operated.
57. Defendants failed to inspect and maintain the area in a reasonably safe condition and failed to maintain the premises in a condition fit for its intended and foreseeable use.
58. Defendants failed to remove, inspect, or maintain, and/or place a railing, rope, guardrail, or barriers around the platform so that individuals lawfully upon the premises would not slip trip and fall over an object that was not properly anchored to the floor and easy to move.

59. Defendants failed to warn customers on the premises of the dangerous condition on the premises.
60. Based upon its obligation to inspect and maintain the subject area, Defendants, their agents servants, and employee knew or should have known that the subject area contained or which could not have been discovered by foreseeable users of the subject area through reasonable observation in a crowded store.
61. Defendants knew or should have known that the subject area was open to use by business invitees and guests and encouraged and advertised for customers to be there.
62. Defendants and their agents, servants and employees having caused them to exist through negligent maintenance and inspection of the subject area, failed to remove the hidden danger and failed to warn the public, including Plaintiff.
63. Defendants knew or should have known that the subject area was open to continual and extensive use by the public. Defendants failed to provide adequate security or crowd control and failed to instruct or warn patrons of the danger of the platform.
64. Defendants, having caused the hidden defect to exist through their negligent placement, design, construction, maintenance and inspection of the premises, failed to remove the hidden defect, abate the dangerous conditions, and failed to warn the public, including Plaintiff, Barbara Ricci concerning the hidden defect.
65. As a direct and proximate result of Defendants' failure to use due care in the inspection, repair, maintenance, security, crowd control and warnings regarding the subject area, Plaintiff, Barbara Ricci has sustained severe and permanent injuries and other damages described herein.

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against Defendants, Kohl's, alias, and/or Defendant, "Doe" jointly and severally, on this Count plus interest and costs of this action.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Barbara Ricci
Plaintiff,

v.

Case No.: 1:21-cv-00040-JJM-LDA

Kin, Inc., et al.
Defendant.

CASE OPENING NOTICE – NOTICE OF REMOVAL FROM STATE COURT

The above-captioned case has been removed pursuant to 28 U.S.C. § 1441. The above case number and caption should be used on all papers subsequently submitted to this Court. Any motion pending with the state court at the time of the removal must be refiled with this Court for consideration.

Within 14 days after filing the notice of removal, the defendant(s) filing the notice of removal shall do whatever is necessary to enable the clerk of the state court to assemble and electronically transmit a certified copy of the docket sheet and all documents filed in the case being removed.

It is the responsibility of the defendant(s) to ensure that the state court record is filed with the Court. The clerk of the state court will not electronically transmit the record until the defendant(s) provide written notice to all adverse parties and file a copy of such notice with the clerk of the state court in accordance with 28 U.S.C. § 1446(d).

Pursuant to LR Gen 201(b)(3), an attorney who is a member of the bar of the Rhode Island Supreme Court, and who represents a party in a case removed pursuant to 28 U.S.C. § 1441 *et seq* other than a party joining in the removal request, may appear and practice in this Court in that case, unless that attorney has been suspended or disbarred as a member of the bar of this Court.

Attorneys who are not members of the bar of this Court but who are permitted to appear and practice in this Court pursuant to the provisions of LR Gen 201(b)(3) must register as a Filing User and file documents electronically using the Court's Case Management/Electronic Case Files ("CM/ECF") system by completing the Electronic Filing Registration Form.

Dockets, opinions, rules forms, the court calendar and general notices can be obtained from the Court's website at www.rid.uscourts.gov. Parties should specifically review the notice(s) listed below:

Notice of Electronic Availability of Case Information

Notice to Counsel and Pro Se Litigants

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

January 20, 2021

Hanorah Tyer–Witek, Clerk of Court

U.S. District Court
for the District of Rhode Island
One Exchange Terrace
Providence, RI 02903
Case Manager: Barbara Barletta 401–752–7202

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI,

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC, alias KOHL'S DEPARTMENT
STORES, INC., alias, KOHL'S INC., alias,
KOHL'S INC., alias, KOHLS OF
ILLINOIS, alias, & DOE 1 THRU 4,
INCLUSIVE,

Defendants

DEFENDANTS' JURY DEMAND

The Defendants, KIN, Inc., Kohl's Department Stores, Inc., Kohl's Inc., Kohls of Illinois
(misnamed), hereby demand a jury trial as to all triable issues of right and designates Amy B.
Yarbro as trial counsel.

The Defendants,

By Their Attorneys,

MORRISON MAHONEY LLP

/s/ Amy B. Yarbro

Amy B. Yarbro (Parker), #8999
ayarbro@morrisonmahoney.com
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4887

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 21st day of December, 2020.

Wayne G. Resmini, Esq.
Resmini Law LLC
1022 Reservoir Avenue
Cranston, RI 02910

/s/ Amy B. Warbro

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI,

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC, alias KOHL'S DEPARTMENT
STORES, INC., alias, KOHL'S INC., alias,
KOHL'S INC., alias, KOHLS OF
ILLINOIS, alias, & DOE 1 THRU 4,
INCLUSIVE,

Defendants

DEFENDANTS KIN, INC., KOHL'S DEPARTMENT STORES, INC.,
KOHL'S INC. AND KOHLS OF ILLINOIS' (MISNAMED)
ANSWER TO PLAINTIFF'S COMPLAINT

1. The defendants are without sufficient information to admit or deny the allegations contained in paragraph 1 of plaintiff's complaint.
2. The defendants admit that Kohl's, Inc. is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 2 of the plaintiff's complaint.
3. The defendants admit that KIN, Inc. is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 3 of the plaintiff's complaint.
4. The defendants admit that Kohl's Illinois, Inc. is the former name of KIN, Inc., which is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 4 of the plaintiff's complaint.

5. The defendants admit that Kohl's Department Stores, Inc., is the former name of Kohl's, Inc., which is a foreign limited liability company registered to do business in the State of Rhode Island with a principal office of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051, and a registered agent address of Corporate Creations Network, Inc., 10 Dorrance Street, Suite 700, Providence Rhode Island. The defendants deny the remainder of the allegations contained in paragraph 5 of the plaintiff's complaint.
6. The allegations contained in paragraph 6 plaintiff's complaint pertain to another defendant and no responsive averments are required. To the extent that said allegations pertain to the defendants KIN, Inc., Kohl's Department Stores, Inc., Kohl's Inc. and/or Kohls of Illinois (misnamed), the defendants deny said allegations.
7. The defendants deny the allegations contained in paragraph 7 of plaintiff's complaint.

COUNT I

8. The defendants deny the allegations contained in paragraph 8 of plaintiff's complaint.
9. The defendants deny the allegations contained in paragraph 9 of plaintiff's complaint.
10. The defendants deny the allegations contained in paragraph 10 of plaintiff's complaint.
11. The defendants deny the allegations contained in paragraph 11 of plaintiff's complaint.
12. The defendants deny the allegations contained in paragraph 12 of plaintiff's complaint.
13. The defendants deny the allegations contained in paragraph 13 of plaintiff's complaint.
14. The defendants deny the allegations contained in paragraph 14 of plaintiff's complaint.
15. The defendants deny the allegations contained in paragraph 15 of plaintiff's complaint.
16. The defendants deny the allegations contained in paragraph 16 of plaintiff's complaint.
17. The defendants deny the allegations contained in paragraph 17 of plaintiff's complaint.
18. The defendants deny the allegations contained in paragraph 18 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT II

19. The defendants repeat and reassert their answers to Paragraphs 1 through 18 of the plaintiff's complaint.
20. The defendants deny the allegations contained in paragraph 18 of plaintiff's complaint.

21. The defendants deny the allegations contained in paragraph 21 of plaintiff's complaint.

22. The defendants deny the allegations contained in paragraph 22 of plaintiff's complaint.

23. The defendants deny the allegations contained in paragraph 23 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT III

24. The defendants repeat and reassert their answers to Paragraphs 1 through 23 of the plaintiff's complaint.

25. The defendants deny the allegations contained in paragraph 25 of plaintiff's complaint.

26. The defendants deny the allegations contained in paragraph 26 of plaintiff's complaint.

27. The defendants deny the allegations contained in paragraph 27 of plaintiff's complaint.

28. The defendants deny the allegations contained in paragraph 28 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT IV

29. The defendants repeat and reassert their answers to Paragraphs 1 through 28 of the plaintiff's complaint.

30. The defendants deny the allegations contained in paragraph 30 of plaintiff's complaint.

31. The defendants deny the allegations contained in paragraph 31 of plaintiff's complaint.

32. The defendants deny the allegations contained in paragraph 32 of plaintiff's complaint.

33. The defendants deny the allegations contained in paragraph 33 of plaintiff's complaint.

34. The defendants deny the allegations contained in paragraph 34 of plaintiff's complaint.

35. The defendants deny the allegations contained in paragraph 35 of plaintiff's complaint.

36. The defendants deny the allegations contained in paragraph 36 of plaintiff's complaint.

37. The defendants deny the allegations contained in paragraph 37 of plaintiff's complaint.

38. The defendants deny the allegations contained in paragraph 38 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT V

39. The defendants repeat and reassert their answers to Paragraphs 1 through 38 of the plaintiff's complaint.

40. The defendants deny the allegations contained in paragraph 40 of plaintiff's complaint.

41. The defendants deny the allegations contained in paragraph 41 of plaintiff's complaint.

42. The defendants deny the allegations contained in paragraph 42 of plaintiff's complaint.

43. The defendants deny the allegations contained in paragraph 43 of plaintiff's complaint.

44. The defendants deny the allegations contained in paragraph 44 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT VI

45. The defendants repeat and reassert their answers to Paragraphs 1 through 44 of the plaintiff's complaint.

46. The defendants deny the allegations contained in paragraph 46 of plaintiff's complaint.

47. The defendants deny the allegations contained in paragraph 47 of plaintiff's complaint.

48. The defendants deny the allegations contained in paragraph 48 of plaintiff's complaint.

49. The defendants deny the allegations contained in paragraph 49 of plaintiff's complaint.

50. The defendants deny the allegations contained in paragraph 50 of plaintiff's complaint.

51. The defendants deny the allegations contained in paragraph 51 of plaintiff's complaint.

52. The defendants deny the allegations contained in paragraph 52 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

COUNT VII

53. The defendants repeat and reassert their answers to Paragraphs 1 through 52 of the plaintiff's complaint.
54. The defendants deny the allegations contained in paragraph 54 of plaintiff's complaint.
55. The defendants deny the allegations contained in paragraph 55 of plaintiff's complaint.
56. The defendants deny the allegations contained in paragraph 56 of plaintiff's complaint.
57. The defendants deny the allegations contained in paragraph 57 of plaintiff's complaint.
58. The defendants deny the allegations contained in paragraph 58 of plaintiff's complaint.
59. The defendants deny the allegations contained in paragraph 59 of plaintiff's complaint.
60. The defendants deny the allegations contained in paragraph 60 of plaintiff's complaint.
61. The defendants deny the allegations contained in paragraph 61 of plaintiff's complaint.
62. The defendants deny the allegations contained in paragraph 62 of plaintiff's complaint.
63. The defendants deny the allegations contained in paragraph 63 of plaintiff's complaint.
64. The defendants deny the allegations contained in paragraph 64 of plaintiff's complaint.
65. The defendants deny the allegations contained in paragraph 65 of plaintiff's complaint.

WHEREFORE, the defendants request that the plaintiff's complaint be dismissed with costs to defendants.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The plaintiff's complaint fails to state a claim upon which relief may be granted against the defendants.

SECOND DEFENSE

Plaintiff assumed the risk of her alleged injuries.

THIRD DEFENSE

If the plaintiff was injured as alleged, which is denied, the same was due to her own lack of due care under the circumstances.

FOURTH DEFENSE

If the plaintiff was injured as alleged, which is denied, the same was due to the acts or omissions of others for whom the defendants are not responsible.

FIFTH DEFENSE

The defendants state that the Plaintiff was guilty of negligence and that the damages, if any, recovered by the plaintiff should be reduced in proportion to said negligence of the plaintiff.

SIXTH DEFENSE

The defendants were not negligent.

SEVENTH DEFENSE

The plaintiff's complaint should be dismissed for insufficient of process and/or insufficiency of service of process.

EIGHTH DEFENSE

The defendants state that the action is barred by the applicable statute of limitations.

NINTH DEFENSE

The defendants state that venue is improper.

TENTH DEFENSE

The defendants reserve the right to supplement the affirmative defenses pled herein.

WHEREFORE, the Defendants pray that this Court:

- a. Enter judgment for the Defendants dismissing all claims;
- b. Award the Defendants costs, expenses and attorneys' fees; and
- c. Grant such further relief as the Court may deem just.

The Defendants,

KIN, Inc, Kohl's Department Stores, Inc.,
Kohl's Inc., and Kohls of Illinois (misnamed),

By Their Attorneys,

MORRISON MAHONEY LLP

/s/ Amy B. Yarbrow

Amy B. Yarbrow (Parker), #8999
ayarbrow@morrisonmahoney.com
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4887

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 21st day of December, 2020.

Wayne G. Resmini, Esq.
Resmini Law LLC
1022 Reservoir Avenue
Cranston, RI 02910

/s/ Amy B. Yarbrow

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

BARBARA RICCI,

Plaintiff

C.A. NO. PC-2020-06487

v.

KIN, INC, alias KOHL'S DEPARTMENT
STORES, INC., alias, KOHL'S INC., alias,
KOHL'S INC., alias, KOHLS OF
ILLINOIS, alias, & DOE 1 THRU 4,
INCLUSIVE,

Defendants

ENTRY OF APPEARANCE

NOW COMES Amy B. Yarbrow of the law firm Morrison Mahoney LLP and hereby
enters her appearance on behalf of the Defendants, Kin, Inc., Kohl's Department Stores, Inc.,
Kohl's Inc., Kohls of Illinois (misnamed), in the above-captioned matter.

The Defendants,

By Their Attorneys,

MORRISON MAHONEY LLP

/s/ Amy B. Yarbro

Amy B. Yarbro (Parker), #8999
ayarbro@morrisonmahoney.com
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4887

CERTIFICATION

I hereby certify that this document filed through the Odyssey File & Serve System will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent to those, postage pre-paid, indicated as non-registered participants or participants as listed below this 11th day of December, 2020.

Wayne G. Resmini, Esq.
Resmini Law LLC
1022 Reservoir Avenue
Cranston, RI 02910

/s/ Amy B. Yarbro

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's Department Stores, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

Corporate Creations Network, Inc

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

10/19/2020
343PM

SERVICE FEE \$ _____

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129

State of _____

County of _____

SC #180

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Rebus DeQuatun

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
--	--

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's of Illinois, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

Corporate Creation Network Inc.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

10/19/2020

SERVICE FEE \$ _____

343 PM

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129SC #137On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notaryor ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Regus Desi Dapatchan

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND  PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Barbara Ricci

v.

Kohl's, Inc. et al.

Defendant**Civil Action File Number**

PC-2020-06487

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kin, Inc., by delivering or leaving said papers in the following manner:

- ☐ With the Defendant personally.
- ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person of suitable age and discretion _____
Address of dwelling house or usual place of abode _____
Age _____
Relationship to the Defendant _____
- ☐ With an agent authorized by appointment or by law to receive service of process.
Name of authorized agent _____
If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

- ☐ With a guardian or conservator of the Defendant.
Name of person and designation _____
- ☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- ☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.
Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

Corporate Creations Network, Inc.

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

10/19/2020 343 PM

SERVICE FEE \$ _____

45.00

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUMETTE
R.I. CONSTABLE #6129

Sc #137

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Regus Des. Depart CM

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Providence RI 02903

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Barbara Ricci

v.

Kohl's, Inc. et al.

Defendant**Civil Action File Number**

PC-2020-06487

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's, Inc., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☒ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent Corporate Creations Network Inc

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: 10/19/2020 343 PM SERVICE FEE \$ 45.00
Month Day Year

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

HAROLD W. OUIMETTE
R.I. CONSTABLE #6129

SC #137

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary
or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence,
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

Reyes Desi Daport CM

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**SUMMONS**

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's Department Stores, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.

/s/ Henry Kinch
Clerk

Witness the seal/watermark of the Superior Court



STATE OF RHODE ISLAND AND

Justice Independence Honor

PROVIDENCE PLANTATIONS

SUPERIOR COURT**Plaintiff**

Barbara Ricci

v.

Kohl's, Inc. et al.

Defendant**Civil Action File Number**

PC-2020-06487

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's Department Stores, Inc., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

_____☐ I was unable to make service after the following reasonable attempts: _____
_____SERVICE DATE: ____/____/____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**SUMMONS**

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kohl's of Illinois, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.

/s/ Henry Kinch
Clerk

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**Plaintiff**

Barbara Ricci

v.

Kohl's, Inc. et al.

Defendant**Civil Action File Number**

PC-2020-06487

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's of Illinois, Inc., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND AND

PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: ____/____/____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notaryor ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**SUMMONS**

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Suite 700 Providence RI 02903

TO THE DEFENDANT, Kin, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.	/s/ Henry Kinch Clerk
--	--------------------------

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**Plaintiff**

Barbara Ricci

Civil Action File Number

PC-2020-06487

v.

Kohl's, Inc. et al.

Defendant**PROOF OF SERVICE**

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kin, Inc., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

_____☐ I was unable to make service after the following reasonable attempts: _____
_____SERVICE DATE: ____/____/____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary
 or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence,
 and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**SUMMONS**

Plaintiff Barbara Ricci v. Kohl's, Inc. et al. Defendant	Civil Action File Number PC-2020-06487
	Attorney for the Plaintiff or the Plaintiff Wayne Resmini
	Address of the Plaintiff's Attorney or the Plaintiff 1022 RESERVOIR AVENUE CRANSTON RI 02910
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	Address of the Defendant c/o AFS Corporate Creations Network Inc 10 Dorrance Street Providence RI 02903

TO THE DEFENDANT, Kohl's, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 9/16/2020.

/s/ Henry Kinch
Clerk

Witness the seal/watermark of the Superior Court

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT**Plaintiff**

Barbara Ricci

v.

Kohl's, Inc. et al.

Defendant**Civil Action File Number**

PC-2020-06487

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Kohl's, Inc., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: ____/____/____
Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

Page 2 of 2

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci,)	
Plaintiffs)	
)	
v.)	
)	C.A. NO. P.C. 2020-_____
Kin, Inc, alias)	
Kohl's Department Stores)	
Inc., alias,)	
Kohl's Inc., alias,)	
Kohl's Inc., alias,)	
Kohl's Illinois, Inc.,)	
alias, & Doe 1 Thru Doe 4,)	
Inclusive)	
Defendants)	
)	

PLAINTIFFS' JURY TRIAL DEMAND

Now comes the plaintiff, Barbara Ricci, hereby demand a trial by jury on all counts of this Complaint

Plaintiff,
Barbara Ricci
By her Attorney

/s/Wayne G. Resmini, Esq.
Wayne G. Resmini, Esq. #6373
RESMINI LAW LLC
1022 Reservoir Avenue
Cranston, RI 02910
(401) 751-6655 (Phone)
(401) 751-6282 (Facsimile)

Dated: September 1, 2020

STATE OF RHODE ISLAND
 PROVIDENCE, SC.

SUPERIOR COURT

Barbara Ricci)	
Plaintiff,)	
)	
Vs.)	
)	C.A. NO. PC 2020-_____
Kin, Inc, alias)	
Kohl's Department Stores,)	
Inc., alias, Kohl's Inc.,)	
alias, Kohl's Inc., alias,)	
Kohls of Illinois, alias, &)	
Doe 1 Thru Doe 4, Inclusive)	
Defendants,)	
)	

COMPLAINT

1. The plaintiff, Barbara Ricci is an individual that is a resident of North Providence, Rhode Island.
2. Upon information and belief, Defendant, Kohl's, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Department Stores, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street in Providence, Rhode Island 02903.
3. Upon information and belief, Defendant, Kin, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.

4. Upon information and belief, Defendant, Kohl's Illinois, Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
5. Upon information and belief, Defendant, Kohl's Department Stores, Inc., alias, and/or Defendant "Doe", aka Defendant, Kohl's Inc., alias, Defendant, "Doe" (hereinafter, "Kohl's") is a foreign corporation with a business address of N56 W17000 Ridgewood Drive in Menomonee Falls, WI 53051 with a licensed to do business address in the State of Rhode Island. Upon information and belief, the Defendant, Kohl's, alias, and/or Defendant, "Doe" is doing business at 321 Putnam Pike, Ste A280 in Smithfield, Rhode Island. The agent for service of process is Corporate Creations Network, Inc., 10 Dorrance Street, Ste. 700 in Providence, Rhode Island 02903.
6. Upon information and belief, defendant, Doe 1 Thru Doe 4, Inclusive, (hereinafter, "Doe" the true names and capacities whether Individual, corporate, or otherwise, of the named herein as Doe 1 thru Doe 4, Inclusive, are unknown to the plaintiffs at the present time, the plaintiffs sue said Doe defendants by such fictitious names. Plaintiffs informed and believed and therefore alleged that each of the defendant designated herein by fictitious names are in some manner responsible for the events a happening herein referred to, and caused the damages proximate and foreseeable hereby to the plaintiffs as hereinafter alleged. Plaintiffs will ask leave of the Court amend this complaint when the true names and capacities of the "Doe" defendant(s) have been ascertained.
7. Plaintiffs' damages are sufficient to confer jurisdiction in the Superior Court.

COUNT I

8. Several days prior to November 24, 2017, defendant, Kolh's, alias, and/or Defendant, "Doe" conducted an unusual and extensive advertising campaign in the Southern New England Area, advertising on radio, television, newspapers and sending out handbills advertising the fact that Kolh's store would be open early with great "Black Friday," bargains on November 24, 2017.
9. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendants premises, Kolhl's, alias, and/or Defendant, "Doe" (hereinafter "Kohl's"), located at 321 Putnam Pike Ste. A 280, Smithfield, Rhode Island and at all times herein was in the exercise of due care and caution so as to allow recovery in this matter.
10. On or about November 24, 2017, Defendant, Kolhl's, by and through its agents, servants and/or employees was under the obligation to maintain the premises located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island in a clean, good, and safe condition for the general public.
11. Defendant, Kolh's, had a duty to exercise reasonable care to protect invitees such as plaintiff, Barbara Ricci from those risks of which Defendant, Kolh's was actually aware, and from those risks of which Kolh's should have been aware after reasonable inspection.
12. On November 24, 2017, plaintiff, Barbara "Ricci was on the premises at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, the Kolh's building, plaintiff, state, that its officers, agents, and employees under the control and supervision of the defendant, Kolh's negligently and carelessly permitted excessive numbers of individuals onto the premises, placing plaintiff and others lawfully upon the premises in danger of injury from overcrowding.
13. Defendant, Kolh's, through its officers, agents, servants and employees, was further negligent in failing to control or supervise the conduct of the crowd within the premises. The crowd was unmanageable, and pushed and jostled plaintiff to such an extent that while she was traversing the aisles, she, lost her footing and tripped slipped fell to the floor. Plaintiff, state, defendants, through its officers, agents, and employees, was further negligent in failings to employ more personal to supervise the crowds

these negligent acts and omissions was a proximate cause of plaintiff's serious injuries.

14. As a direct and proximate result of the defendant's negligence, plaintiff has suffered and will continue to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
15. Defendant knew, or reasonably should have known, that crowds generated by its advertising, and the store would have a number of people of all ages shopping in the store and could result in harm to invitees such as that suffered by plaintiff.
16. Plaintiff's injuries were the proximate result of defendant's breach of its duty owed plaintiff to exercise reasonable care for plaintiff's protection. Defendant breached its duty of care owed plaintiff in the following particulars:
 - (a) in failing to use special police or security personnel or other appropriate means to keep order in the large crowd at defendant's store on the day of the sale;
 - (b) in failing to make any effort to prevent the crowd from engaging in dangerous pushing, shoving, and scuffling.
17. As a proximate result of the defendant's negligence, plaintiff has suffered and continues to suffer severe physical pain and mental anguish, to plaintiff's damage in an amount within the jurisdictional limits of this court.
18. As a direct and proximate result of the negligence of the Defendant, Kolhl's, the Plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment for pain and suffering, trauma, anxiety, and loss of earning capacity, all of which were proximately caused by the negligence of said Defendant, Kolh's, and/or their agents servants and employees..

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe" plus interest, costs, and attorney fees.

COUNT II

19. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 18 of Count I above and repeats the same.
20. On November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon the premises owned by the Defendant, Kolhl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara Ricci, was invited to shop and purchase items from said Defendant, Kolh's, and, while upon said premises, sustained a personal injury.
21. Plaintiff, Barbara Ricci, having anticipated paying adequate consideration as a business invitee, imposes a contract of responsibility on said Defendant, Kolhl's', to maintain the property in a sufficient manner as to imply safety for its intended business invitee and guests.
22. As a result of the Defendant's, Kolhl's, breach of that contractual duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff, Barbara Ricci, incurred medical expenses.
23. Additionally, Plaintiff, Barbara Ricci, sustained consequential damages as a result of the breach of contract by said Defendant, Kolhl's, and requests that she be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demands judgment against the Defendant, Kolh's, alias, and/or Defendant, "Doe", on Count II, plus interest and costs.

COUNT III

24. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 23 of Count I and II above and repeats the same.
25. On or about November 24, 2017, Plaintiff, Barbara Ricci, was a business invitee upon Defendant, Kolhl's, premises wherein the Plaintiff, Barbara Ricci, was invited to purchase items from said Defendant, Kolhl's, and while upon said premises, sustained a personal injury.

26. Plaintiff, having paid consideration as business invitees, impose a contract of responsibility on said Defendant, Kohl's, to maintain the property in a sufficient manner as to imply safety for its intended business invitee guests, and, further, by its mode of operation, is responsible for such negligence and foreseen conditions on its premises.
27. As a result of the Defendant's, Kohl's, breach of that duty in failing to maintain its property in a reasonable and safe manner, the Plaintiff incurred medical expenses and the loss of love, affection, companionship, society and consortium, all to the detriment of the Plaintiff, and as a result of the Defendant implied agreement to said Plaintiff.
28. Additionally, Plaintiff sustained consequential damages as a result of the breach of contract by said Defendant their agent's servants and employees, requests that they be indemnified accordingly.

WHEREFORE, Plaintiff, Barbara Ricci hereby demand judgment against the Defendants, jointly and severally, plus interest and costs.

COUNT IV

29. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 28 of Count I, Count II and Count III above and repeats the same
30. At all times mentioned in this complaint, defendant maintained, operated, and controlled a store for the retail sale of merchandise, known as Kohl's, located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, wherein the Plaintiff, Barbara.
31. In the aisles of where the plaintiff was injured, defendant Kohl's maintained certain platforms that mannequin was resting on were placed throughout the store. The platforms holding the mannequin extended into the aisle, creating an obstruction to those passing along the aisle. The platforms were of a similar color and approximately the same shade as were floor covering and the platforms were not attached to the floors beneath them and created an unreasonable risk of injury to those passing along the aisle who would fail to notice the platform or be

distracted by the mannequin would be injured by coming into contact with them.

32. At all times mentioned in this complaint, defendant knew or in the exercise of reasonable care should have known that the platforms holding the mannequins created an unreasonable risk of injury by their presence, so that patrons of the Kohls store would be surprised after observing other aisles free of such obstructions and the aisle in question often free of the obstructing seats.
33. On November 24, 2017, plaintiff, Barbara Ricci, an invitee on defendant's premises, while viewing merchandise in the store with the intent to make purchases, walked against one of the carts on wheels holding merchandise that could not be places on the shelves, until a few moments prior to that time, had been free of obstruction. Plaintiff's struck the cart and a platform holding a store mannequin and the elderly plaintiff fell to the floor, sustaining injuries: [describe injuries].
34. Defendant's negligence in maintaining the nuisance created by the collapsible seats under the circumstances described above without any sign or other device warning of their presence was the proximate cause of plaintiff's injuries.
35. The injuries to plaintiff were caused solely and proximately by the negligence of defendant, Kolh's their agents, servants, and employees
36. On or about, November 24, 2017, Defendant, Kolh's, by and through its agents, servants and/or employees were under any obligation to maintain the premises of Kohl's located at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, in a clean, good and safe condition for the general public.
37. On or about November 24, 2017, Defendant, Kolh's by and through its agents, servants and/or employees was negligent in maintain the premises of Kohl's at 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island, tin a clean, good and safe condition so as to cause Plaintiff, Barbara Ricci to suffer injures when she tripped over the cart of one of the aisles.
38. As a direct and proximate result of the negligence of the Defendant, Kohl's the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment

for pain and suffering, trauma anxiety, and loss of earning capacity all of which were proximately caused by the negligence of the Defendant, Kohl's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kohl's plus interest and costs.

COUNT V

39. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 38 of Count I, Count II, Count III and Count IV above and repeats the same.

40. On or about November 24, 2017, Defendant, Kohl's a self-service establishment, should have reasonably foreseen that a dangerous condition could occur anywhere in the store due to the product sold in its store.

41. Plaintiff, Barbara Ricci, entrusted her safety to Defendant, Kohl's, and imposes a responsibility on said Defendant, Kohl's, to take reasonable precautions necessary to protect her from foreseeable conditions that are related to the owner's self-service mode of operation.

42. As a result of not taking reasonable precautions to protect the plaintiff, Barbara Ricci, Defendant, Kohl's breached their duty to provide a safe shopping environment for customers in its store, and Defendant, Kohl's, is liable for the injuries sustained by the plaintiff, Barbara Ricci, on November 24, 2017.

43. As a direct and proximate result of the negligence of the Defendant, Kohl's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kohl's.

44. Damages are sufficient to confer jurisdiction upon the Superior Court.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kohl's plus interest and costs.

Count VI

45. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 44 of Count I, Count II, Count III, Count IV and Count V above and repeats the same.
46. At all times mentioned in this complaint, defendant Kolh's, alias, and/or Defendant, "Doe" owned, operated, and controlled a certain retail store, known as Kolh's located At 321 Putnam Pike Ste. A 280 in Smithfield, Rhode Island.
47. On November 24, 2017, plaintiff, Barbara Ricci entered defendant's store during the regular hours for retail customers to inspect and, if desired, to purchase defendant's merchandise.
48. At all times mentioned in this complaint, defendant had the duty to maintain the premises in a reasonably safe condition for retail customers, including plaintiff, and to provide in particular an aisle or other suitable place from which the customers, including plaintiff, could view the merchandise and make their purchases. In violation of this duty, defendant maintained in one of the aisles provided for customers a cart and clothing on the floor not readily observable by patrons of the store whenever the aisle became crowded. Defendant knew or had reason to know that this obstruction created an unreasonable risk of injury to those patronizing the store and could reasonably foresee that a patron, such as plaintiff, would trip and fall over the obstruction and be injured as a result.
49. On the date first mentioned above, while plaintiff traversed the above-mentioned aisle with a number of other patrons, looking at the merchandise and moving with due care to avoid bumping into other patrons, plaintiff tripped over clothing and other obstructions in the aisle, fell to the floor, and sustained injuries.
50. Defendant's negligence in failing to provide a reasonably safe aisle within which plaintiff might shop, and in maintaining the above-described obstruction in the aisle, was the proximate cause of plaintiff's injuries.
51. The above-described injuries to plaintiff were caused solely and proximately by the negligence of defendant and

without any contributory negligence on the part of plaintiff.

52. As a direct and proximate sures of the negligence of the Defendant, Kolh's, the plaintiff, Barbara Ricci, sustained severe personal injuries that required medical treatment that is ongoing as well as other damages proximately caused by the negligence of the said defendant, Kolh's.

WHEREFORE, Plaintiff, Barbara Ricci, hereby demands judgment against the Defendant, Kolh's plus interest and costs and such other and further relief as the court deems just and proper.

COUNT VII

53. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 52 as set forth herein.
54. Defendants and their agents, servants and/or employees at all times material herein, owned, operated, managed, controlled, and maintained the premises at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
55. Defendants and their agent's servants and employees were responsible for providing security and safety measures for crowd management and control at 371 Putnam Pike, Ste. A280 Smithfield, Providence County in the State of Rhode Island.
56. Defendants their agents, servants and employees had a duty to use reasonable care and specifically an obligation to inspect, repair and reasonably maintain the subject areas, of the premises which it leased, owned, managed, maintained, controlled and/or operated.
57. Defendants failed to inspect and maintain the area in a reasonably safe condition and failed to maintain the premises in a condition fit for its intended and foreseeable use.
58. Defendants failed to remove, inspect, or maintain, and/or place a railing, rope, guardrail, or barriers around the platform so that individuals lawfully upon the premises would not slip trip and fall over an object that was not properly anchored to the floor and easy to move.

59. Defendants failed to warn customers on the premises of the dangerous condition on the premises.
60. Based upon its obligation to inspect and maintain the subject area, Defendants, their agents servants, and employee knew or should have known that the subject area contained or which could not have been discovered by foreseeable users of the subject area through reasonable observation in a crowded store.
61. Defendants knew or should have known that the subject area was open to use by business invitees and guests and encouraged and advertised for customers to be there.
62. Defendants and their agents, servants and employees having caused them to exist through negligent maintenance and inspection of the subject area, failed to remove the hidden danger and failed to warn the public, including Plaintiff.
63. Defendants knew or should have known that the subject area was open to continual and extensive use by the public. Defendants failed to provide adequate security or crowd control and failed to instruct or warn patrons of the danger of the platform.
64. Defendants, having caused the hidden defect to exist through their negligent placement, design, construction, maintenance and inspection of the premises, failed to remove the hidden defect, abate the dangerous conditions, and failed to warn the public, including Plaintiff, Barbara Ricci concerning the hidden defect.
65. As a direct and proximate result of Defendants' failure to use due care in the inspection, repair, maintenance, security, crowd control and warnings regarding the subject area, Plaintiff, Barbara Ricci has sustained severe and permanent injuries and other damages described herein.

WHEREFORE, Plaintiff, Barbara Ricci demands judgment against Defendants, Kohl's, alias, and/or Defendant, "Doe" jointly and severally, on this Count plus interest and costs of this action.

THE PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS.

Plaintiff,
Barbara Ricci
By her Attorney

/s/Wayne G. Resmini, Esq.
Wayne G. Resmini, Esq. #6373
RESMINI LAW LLC
1022 Reservoir Avenue
Cranston, RI 02910
(401) 751-6655 (Phone)
(401) 751-6282 (Facsimile)

Dated: September 1, 2020